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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,213	12/01/2003	Christopher R. Powers	P00513-US-02 (15859.0053)	4470
22446	7590	07/12/2005	EXAMINER ABRAMS, NEIL	
ICE MILLER ONE AMERICAN SQUARE BOX 82001 INDIANAPOLIS, IN 46282			ART UNIT 2839	PAPER NUMBER

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/725,213

Applicant(s)

POWERS

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-27-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-15, 17-21, 24-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 10-15, 17-21, 24-32 is/are allowed.
- 6) ☒ Claim(s) 33-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Abstract "a sealant material may be applied to cover a connections of the terminals to wires" should be added. Spec page 1, ^{lines 3,4} pat no when known must be added

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 35-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/264,221, the parent case in view of Alloway. (The claims of this case define broadened variations of parent case limitations, but add reference to a sidewall. Alloway at 16 uses a terminal with two blades. Obvious to use a second blade in the parent case claims 1, 2, etc. terminal, for better bulb gripping, the added blade read as a sidewall).

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Brantingham.

4. Brantingham, figures 1, 3, discloses a terminal with terminal surfaces 54, 55, prongs 60, a side wall at leadline 16, a latch 74, a terminal lead 46 and a cover plate 70 connected to terminal surface 54 and generally perpendicular to sidewall and terminal lead 46. For claim 34 an alignment feature is at 76.

5. Claims 35 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Alloway.

6. Alloway include a body with bulb acceptor 46, terminal acceptor, figure 3, slots near 58 (figure 2) and a terminal 16 with a cover plate at 30 (figure 3) and two blades, one blade read as having a terminal surface and a prong, the other blade read as a "sidewall". For claim 39 the other blade is read as a sidewall and a terminal surface at the end that engages the bulb. For claim 35 also notes that the terminal 16 blades are to be received in the slots. As set forth in these claims sidewall and terminal surface limitations are very broadly readable. Since the Alloway terminal 16 features are not clearly shown as an alternative, recited features considered obvious variations of Alloway.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alloway in view of Takano 329.

9. Alloway lacks alignment feature and latch. Takano figure 10 shows these at 7a and 8. Obvious to use such features in Alloway to strengthen terminal and for attachment to housing 36.

10. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alloway in view of Okabe and Chen

Alloway lacks a sealant over the cover plate. Okabe use sealant at 5. Chen uses potting to cover wires 80. Obvious to use such feature in Alloway to protect the terminal lead connections. Further note Alloway, column 1, line 14 references to a "sealant" which seems to imply sealant to fill chamber 40. Applicant asked to address this Alloway teaching.

Allowable Subject Matter

11. Claims 1-7, 10-15, 17-21, 24-32 are allowed.

12. The following is an examiner's statement of reasons for allowance:

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13. For claims 1, 14 and 29, Grzena discloses terminal surfaces with two alignment features or bumps, figure 5 near leadline 54. However the claims require three such features and it would not have been obvious to add a third alignment feature to Grzena terminal since there is not need or suggestion to provide one.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Abrams whose telephone number is 571-272-2089.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NEIL ABRAMS
EXAMINER
ART UNIT 322